

AD-189
Ct No.01
Jalpaiguri
09.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 44 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Siliguri women Police Station Case No. 197 of 2022 dated 22.12.2022 under Sections 4/5/7 of the Immoral Traffic Prevention Act, corresponding to G.R. No. 5500 of 2022.

And

In the matter of: Akhilesh Kumar

.... petitioner

Mr. Subhasish Misra

... for the petitioner

Mr. Ujjwal Luksom

Mr. Biswarup Roy

... for the State

Learned counsel for the petitioner contends that the petitioner is a medical practitioner in Bihar and was framed in the case, being embroiled on the basis of the statements made by co-accused persons. It is further submitted that the ground of allegation against the petitioner is primarily that the other co-accused persons called the petitioner.

Learned counsel for the State, however, opposes the prayer for anticipatory bail and submits that the Investigating Officer, in his report, clearly implicates the present petitioner as running a racket of prostitution.

Heard learned counsel and considered the submission of the petitioner. Although the other co-accused persons were granted bail

on the same date as they were produced, since the petitioner is a resident of a different State and it may be difficult for the purpose of investigation to trace out the petitioner later, we are not inclined to grant anticipatory bail at this stage.

Accordingly, CRM (A) 44 of 2023 is dismissed.

However, the petitioner will be at liberty to surrender and obtain bail from the jurisdictional court. If so approached, the jurisdictional court shall decide the said prayer independently without being influenced in any manner by any of the observations made herein.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)